

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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BOSTON PARENT COALITION FOR  
ACADEMIC EXCELLENCE CORP.

Plaintiff,

v.

THE SCHOOL COMMITTEE OF THE CITY  
OF BOSTON, ALEXANDRA OLIVER-  
DAVILA, MICHAEL O'NEIL, HARDIN  
COLEMAN, LORNA RIVERA, JERI  
ROBINSON, QUOC TRAN, ERNANI  
DeARAUJO, and BRENDA CASELLIUS

Defendants.

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Civil Action No. 1:21-cv-10330-WGY

**MOTION BY THE BOSTON BRANCH OF THE NAACP, GREATER BOSTON  
LATINO NETWORK, ASIAN PACIFIC ISLANDER CIVIC ACTION NETWORK,  
ASIAN AMERICAN RESOURCE WORKSHOP, MAIRENY PIMENTEL, AND H.D.  
FOR LEAVE TO INTERVENE AS DEFENDANTS**

Pursuant to Rule 24(a) of the Federal Rules of Civil Procedure, the NAACP – Boston Branch, the Greater Boston Latino Network, Maireny Pimental, and H.D. (hereinafter “Proposed Intervenor”) respectfully request leave to intervene as defendants in the above-captioned action. In support of their Motion, the Proposed Intervenor submit the accompanying Memorandum in Support of Motion for Leave to Intervene, and, incorporated by reference, Exhibits A through H. Specifically, as detailed more fully in their Memorandum, the Proposed Intervenor respectfully request to intervene in this matter for the following reasons: a) the request to intervene is timely because a response has not yet been filed to the Complaint; b) the Proposed Intervenor will be prejudiced by the impact of an adverse decision; and c) the current parties lack the ability to advocate for the interests of the Proposed Intervenor and the diverse communities they

represent. Moreover, the Proposed Intervenor can provide necessary background, context, and applicable legal arguments related to the constitutionality of the temporary remedial admissions criteria sought to be used for three highly selective public schools within the Boston Public Schools. Accordingly, the Proposed Intervenor respectfully request that the Court grant their request to intervene in this matter.

The Proposed Intervenor also respectfully request that the Court waive Federal Rule of Civil Procedure 24(c), requiring that the Proposed Intervenor serve an answer, or other pleading, concurrently with this Motion. *See, e.g., American Waterways Operator v. United States Coast Guard*, 1:18-cv-12070-DJC, ECF No. 51, (D. Mass. July 10, 2019) (granting identical relief); *see also Windsor v. United States*, 797 F. Supp. 2d 320, 325-26 (S.D.N.Y. 2011); *Peaje Invs. LLC v. García-Padilla*, 845 F.3d 505, 516 n.7 (1st Cir. 2017). If the Court allows this Motion but does not waive other requirements of Rule 24(c), the Proposed Intervenor respectfully request an opportunity to file an answer, or other responsive pleading, to the Complaint within five business days of the allowance of this Motion. Of critical importance, the Proposed Intervenor intend to challenge Plaintiff's standing to bring such a Complaint because, at a minimum, Plaintiff has suffered no injury resulting from the proposed plan, and Plaintiff's Complaint fails to address the irreparable harm it has suffered and the connection of the harm to the temporary remedial admissions criteria sought to be used for the three highly selective public schools. The failure to include these critical elements is grounds for dismissal of the complaint. *See, e.g., Coggeshall v. Mass. Bd. of Reg. of Psychologists*, 604 F.3d 658, 666-67 (1st Cir. 2010) (affirming district court's determination that a plaintiff lacked standing where he "suffered no legally cognizable injury as a result of" the defendant's actions); *see also Tyler v. Michaels Stores, Inc.*, 840 F. Supp. 2d 438, 449 n.8 (D. Mass. 2012) (Young, J.).

WHEREFORE, the Proposed Intervenors respectfully request that this Court grant their Motion, permit the Proposed Intervenors to intervene as defendants, and allow them to file a response to Plaintiff's Complaint. Alternatively, if the Court finds that the elements of Rule 24(a) have not been met, the Proposed Intervenors request permission to intervene pursuant to Rule 24(b) of the Federal Rules of Civil Procedure. The Proposed Intervenors respectfully request an opportunity to be heard at the Status Conference scheduled on March 3, 2021, at 10 a.m., or at a more convenient time set by this Court.

Respectfully submitted,

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE  
BOSTON BRANCH AND OTHER  
PROPOSED INTERVENORS

By their attorneys,

/s/ Doreen Rachal

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Doreen M. Rachal (BBO# 667837)  
SIDLEY AUSTIN LLP  
60 State Street, 36<sup>th</sup> floor  
Boston, Massachusetts 02109  
Tel: (617) 223-0300  
drachal@sidley.com

/s/ Lauren Sampson

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Lauren Sampson (BBO #704319)  
Janelle Dempsey (BBO #699379)  
Oren Sellstrom (BBO #569045)  
Lawyers for Civil Rights  
61 Battery March Street, Fifth Floor  
Boston, MA 02110  
[lsampson@lawyersforcivilrights.org](mailto:lsampson@lawyersforcivilrights.org)  
617-988-0609

Dated: March 2, 2021

/s/Bethany Li

Bethany Li (BBO #673383)  
Alex Milvae (BBO #705668)  
Jodie Ng, Law Student Intern  
Greater Boston Legal Services  
197 Friend Street  
Boston, MA 02114  
bli@gbls.org  
617-603-1532

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)**

The undersigned counsel for the Proposed Intervenor certify that they have conferred with counsel for Plaintiff and Defendants by telephone on March 2, 2021, to narrow or resolve the issues raised in the motion, specifically the Proposed Intervenor's request to intervene in this matter.

Dated: March 2, 2021

/s/ Doreen Rachal

Doreen M. Rachal (BBO# 667837)  
drachal@sidley.com

**CERTIFICATE OF SERVICE**

I, Doreen M. Rachal, hereby certify that a true and accurate copy of this document, which was filed via the Court ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 2, 2021.

Dated: March 2, 2021

/s/Doreen Rachal

Doreen M. Rachal (BBO# 667837)  
drachal@sidley.com